

**Minutes  
Board of Education  
Committee on the Lowest Performing School Systems  
January 6, 2004**

The Board of Education's Committee on the Lowest Performing School Systems met in the Monroe Building, on Tuesday, January 6, 2004, beginning at 2:30 p.m. Board members attending included Chairman Mark Emblidge, Board of Education President Thomas Jackson, Mr. David Johnson, Mrs. Susan Genovese, and Mrs. Ruby Rogers. Superintendent of Public Instruction Dr. Jo Lynne DeMary was also present. The first agenda item was a presentation of the major findings of the report prepared by the Joint Legislative Audit and Review Commission (JLARC) entitled *Review of Factors and Practices Associated with School Performance in Virginia*. Mr. Hal Greer, Project Leader for JLARC, provided the overview of the report, which includes sections on Standards of Learning test pass rates, demographic characteristics of students and communities that affect differences seen in Standards of Learning test results, best practices used by schools challenged by demographic factors that have helped to achieve success on Standards of Learning tests, reactions of interviewed superintendents, principals, and teachers on the impact of the Standards of Learning program, and remaining needs and challenges. The complete report may be viewed on JLARC's Web site at <http://jlarc.state.va.us/Reports/rpt305.pdf>.

Following a discussion of the report findings, the committee focused on the needs of low performing school divisions and the role that the Board of Education and the Department of Education should take to address them. Mr. Emblidge and Mr. Jackson initiated discussion on the concept of school division academic reviews to be conducted by the department and the strengthening of Board of Education authority to ensure that deficiencies identified through these reviews are address. Proposed legislation to be introduced during the 2004 session of the General Assembly was reviewed. The concepts of the proposed legislation include the following:

- **The legislation proposed by the Board of Education would provide an additional means of improving instruction for children in chronically low-performing school divisions.**
- **The legislation would require school boards to maintain schools that are fully accredited and strengthen the authority of the Board and the Department of Education to conduct academic reviews of divisions with schools that are on academic warning or have been denied accreditation because of low student achievement.** The division-level academic reviews would be similar to the reviews the department currently performs on schools that are on the commonwealth's academic warning list.
- **The proposal would require chronically low-performing school divisions to develop corrective action plans to raise achievement and submit the plans for**

**Board approval.** If a division failed to develop or refused to implement a plan in a timely or satisfactory manner, or if the plan is not approved by the Board of Education, the Board would have the authority to petition the circuit court with jurisdiction over the school division to compel compliance and implementation.

- **In seeking an order of compliance, the Board would not be “forcing its way” on a school division.** Rather, the Board would be seeking the school division’s cooperation in the implementation of a plan developed by the school division and approved by the local school board and the Board of Education.
- **The criteria for identifying school divisions subject to this enforcement provision would be established by the Board of Education as regulations.** It would not be the intent of the Board to review or take to court every school division that has a school or schools that are not fully accredited. The proposal is meant to provide a method of enforcing an agreement between the Board and a school division that is unable or unwilling to implement policies and practices that improve student learning and achievement.
- **The role of the judiciary in the proposal would minimize the potential of abuse by future state boards.** A school division that is the subject of a petition will have an opportunity to demonstrate its compliance with a corrective action plan before a circuit court judge as well as appeal to a higher court any judicial action it views as unfavorable.

The committee approved proposed legislation to be brought before the full Board of Education on January 7, 2004. On January 7, 2004, the Board of Education approved submitting the proposed legislation. Subsequently, it became HB 1294 sponsored by Delegate Reid.

The committee meeting adjourned at 5:00.